

Remarks

The Applicant respectfully requests the amendments to the specification be entered and reviewed. The amendments correct typographical errors that misstated obvious mathematical errors in the specification. The Applicant submits these amendments do not add new matter to the application.

The Applicant respectfully requests reconsideration of the section 101 rejection. Independent claims 1 and 21 have been amended to recite methods for forming a tire tread having a tire noise pitch sequence for a pneumatic tire. Each claim recites the step of arranging the tread lugs on a tire tread of a pneumatic tire to match the tire noise pitch sequence. Each claim thus recites a specific transformation of a tire structure which realizes the benefit of the tire noise pitch sequence designed for the tire. Transforming the tire by arranging the lugs as recited in the claims is not a post-solution activity because the claims are directed to the method of forming the tire. The Applicant submits the claims recite valid methods under section 101.

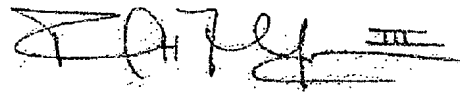
The Final Office Action rejects independent claim 1 as being obvious in view of the combination of Sekula 4,442,499 and Kogure 5,383,506. The Applicant respectfully traverses the rejection of this independent claim and the dependent claims. The Applicant and the Examiner appear to disagree over the nature of the Sekula disclosure. The Applicant recognizes that Sekula discloses the use of a desirable frequency spectrum as a starting point for its invention. The example given in the specification is a white noise signal wherein energy is

present at all frequencies in equal magnitudes. FIGS 1A-1C of the present application show that a tread having undesirable modulation characteristics can have a desirable frequency distribution. The Applicant submits the Sekula reference discloses and suggests such a desirable frequency distribution is to be used as the starting point for the design. The Applicant thus submits Sekula will, from time to time, create results with poor modulation characteristics as shown in FIGS. 1A-1C. The Applicant submits claim 1 will not create results with poor modulation characteristics because claim 1 requires these characteristics to be non-randomly selected as well as requiring the first and second modulation orders to be smaller than or equal to the amplitude of the third modulation order.

In view of the differences between the claimed invention and the Sekula reference, the Applicant respectfully submits the claims are patentable over the cited combination of references.

In view of the foregoing, the Applicant respectfully requests consideration of the claims and most earnestly solicits the issuance of a formal Notice of Allowance for the claims.

Please call the undersigned attorney if any issues remain after this amendment.

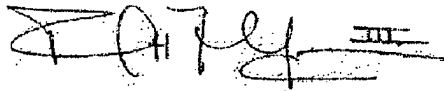


Fred H. Zollinger III

Registration No. 39,438

Certificate of Mailing

I hereby certify that this correspondence (Amendment D – 11 pages) is being deposited with the United States Postal service with sufficient postage for first class mail in an envelope address to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being transmitted via facsimile to the United States Patent Office at 1-571-273-8300 on November 4, 2009.



Fred H. Zollinger III, Reg. No. 39,438